

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#4

Applicants: Molly F. Kulesz-Martin

Art Unit: Unknown

Serial No: 08/644,289

Filed: May 10, 1996

I certify that these documents are being deposited on 7/ 3 /96  
with the U.S. Postal Service as first class mail addressed to the  
Commissioner of Patents and Trademarks, Washington, D.C. 20231

Examiner: Unknown

For: p53as PROTEIN AND  
ANTIBODY THEREFOR  
Michael L. Dunn

Registration No. 25,330

**CLAIM FOR SMALL ENTITY STATUS (37 CFR 1.27(b)(d)) and**  
**REQUEST FOR REFUND (37 CFR 1.28(a))**

Box Missing Part

The Commissioner of Patents and Trademarks  
Washington, D.C. 20231-0001

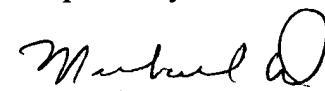
Sir:

Applicant hereby claims small entity status in connection with the above-identified application. Two verified statements under 37 CFR 1.27(b) and 37 CFR 1.27(d) are enclosed.

Applicants also request a refund of \$414 of the original filing fee paid in this application. An original fee of \$828 was paid to the Office on May 10, 1996, and this official request for refund is being submitted within the allowed two (2) month time period.

We do not wish the refund to be credited to Deposit Account No. 04-1790. Please issue the refund check to: Dunn & Associates, P.O. Box 96, Newfane, NY 14108-0096.

Respectfully submitted,

Dated: July 3, 1996
  
 Michael L. Dunn  
 Attorney for Applicant(s)  
 Reg. No. 25,330  
 P.O. Box 96  
 Newfane, New York 14108  
 Telephone: (716) 433-1661

MLD/tsm



TRANSMITTAL LETTER			Attorney's Docket No.
Applicant(s): Molly F. Kulesz-Martin			RPP:135D US
Serial No.	Filing Date	Examiner	Group Art Unit
08/644,289	5-10-96	Unknown	Unknown
Invention p53as PROTEIN AND ANTIBODY THEREFOR			

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

TRANSMITTED HEREWITH IS:

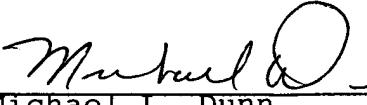
- Statement in Compliance with 37 CFR 1.63 submitting Declaration attached to specification with \$65.00 surcharge
- Claim for Small Entity Status and Request for Refund with two Verified Statements Under CFR 1.9(f) and 1.27(b) and (d)

IN THE ABOVE IDENTIFIED APPLICATION.

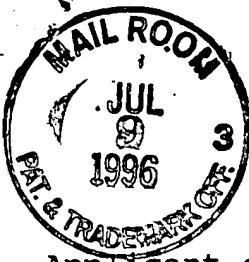
- No additional fee is required.
- A check in amount of \$ 65.00 is attached to cover above fees.
- Charge \$ \_\_\_\_\_ to Deposit Account No. \_\_\_\_\_.  
A duplicate copy of this sheet is enclosed.
- Please charge any additional fees which may be due with respect to the accompanying papers, including those which may be due under 37 C.F.R. 1.16, 1.17, 1.18 and 1.20, or credit any overpayment to Deposit Account No. 04-1790.  
A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Dated: July 3, 1996

  
Michael L. Dunn  
Attorney for Applicants  
Registration No. 25,330  
P. O. Box 96  
Newfane, New York 14108  
Telephone: (716) 433-1661  
1 205 65.00 CK

MLD/tsm  
cc: M. DeLellis



#4

Attorney Docket No. RPP:135D US

Applicant or Patentee: Molly F. Kulesz-Martin

Serial or Patent No: 08/644,289

Filed or Issued: May 10, 1996

For: p53as PROTEIN AND ANTIBODY THEREFOR

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(d)) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: Health Research, Inc. (Roswell Park Division)

ADDRESS OF ORGANIZATION: 666 Elm Street

Buffalo, NY 14263

TYPE OF ORGANIZATION:

UNIVERSITY OR OTHER INSTITUTE OF HIGHER EDUCATION

TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE  
(26 USC 501(a) and 501(c)(3))

NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF  
THE UNITED STATES OF AMERICA

(NAME OF STATE: \_\_\_\_\_)

(CITATION OF STATUTE: \_\_\_\_\_)

WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE  
CODE (26 USC 501(a) and 501(c)(3)) IF LOCATED IN THE UNITED  
STATES OF AMERICA

WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER  
STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN  
THE UNITED STATES OF AMERICA

(NAME OF STATE: \_\_\_\_\_)

(CITATION OF STATUTE: \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled: p53as PROTEIN AND ANTIBODY THEREFOR

by inventor(s) Molly F. Kulesz-Martin

described in:

the specification to be filed herewith

application Serial No. 08/644,289, filed 5-10-96.

Patent No. \_\_\_\_\_, issued \_\_\_\_\_.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME Molly F. Kulesz-Martin  
ADDRESS 22 Meadow View Place, Buffalo, New York 14214  
 Individual     Small Business Concern     Nonprofit Organization

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
 Individual     Small Business Concern     Nonprofit Organization

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
 Individual     Small Business Concern     Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Michael D. DeLellis  
TITLE IN ORGANIZATION Director of Operations  
ADDRESS OF PERSON SIGNING 666 Elm Street  
Buffalo, NY 14263

SIGNATURE Michael D. DeLellis DATE ✓ 6/18/96



DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

English Language Declaration

RPP:135D US

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

p53as PROTEIN AND ANTIBODY THEREFOR  
the specification of which

(check one)

A copy of which  
 is attached hereto.

was filed on May 10, 1996 as

Application Serial No. 08/644,289

and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**ENGLISH LANGUAGE DECLARATION**

**Prior Foreign Application(s)**

**Priority  
Claimed**

(Number) \_\_\_\_\_ (Country) \_\_\_\_\_ (Day/Month/Year Filed) \_\_\_\_\_

Yes  No

(Number) \_\_\_\_\_ (Country) \_\_\_\_\_ (Day/Month/Year Filed) \_\_\_\_\_

Yes  No

(Number) \_\_\_\_\_ (Country) \_\_\_\_\_ (Day/Month/Year Filed) \_\_\_\_\_

Yes  No

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

08/195,952  
(Application Serial No.)

Feb 11, 1994 pending  
(Filing Date) (Status)  
(patented, pending, abandoned)

08/100,496  
(Application Serial No.)

Aug 2, 1993 pending  
(Filing Date) (Status)  
(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

ENGLISH LANGUAGE DECLARATION

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application, including all divisionals and continuations thereof, and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)



Michael L. Dunn, Registration No. 25,330  
Howard M. Ellis, Registration No. 25,856

SEND CORRESPONDENCE TO:

Dunn & Associates  
P. O. Box 96  
Newfane, NY 14108

DIRECT ALL TELEPHONE CALLS TO:

- [ X ] Michael L. Dunn, Telephone No. (716) 433-1661  
[    ] Howard M. Ellis, Telephone No. (716) 433-1661

100 Full name of sole or first inventor

Molly F Kulesz-Martin

Inventor's signature

Molly Kulesz Martin

Date

6-19-96

Residence

22 Meadow View Place, Buffalo, New York 14214 NY

Citizenship

United States of America

Post Office Address

same as above

Full name of second joint inventor, if any

Inventor's signature

Date

Residence

Citizenship

Post Office Address



#4

Attorney Docket No.       RPP:135D US

Applicant or Patentee: Molly F. Kulesz-Martin

Serial or Patent No: 08/644,289

Filed or Issued: May 10, 1996

For: p53as PROTEIN AND ANTIBODY THEREFOR

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(b)) - INDEPENDENT INVENTOR**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled: p53as PROTEIN AND ANTIBODY THEREFOR

described in:

- the specification to be filed herewith  
• application Serial No. 08/644,289, filed 5-10-96.  
 Patent No.                 , issued                 .

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- no such person, concern or organization  
 persons, concerns or organizations listed below\*

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME Health Research, Inc. (Roswell Park Division)

ADDRESS 666 Elm Street, Buffalo, NY 14263

Individual       Small Business Concern       Nonprofit Organization

FULL NAME                 

ADDRESS                 

Individual       Small Business Concern       Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Inventor: Molly F. Kulesz-Martin

Signature of Inventor: Molly Kulesz Martin Date: 6-19-91

Name of Inventor: \_\_\_\_\_

Signature of Inventor: \_\_\_\_\_ Date: \_\_\_\_\_

Name of Inventor: \_\_\_\_\_

Signature of Inventor: \_\_\_\_\_ Date: \_\_\_\_\_